



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
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for the meeting of the  
COMMISSION ON WATER RESOURCE MANAGEMENT

December 17, 2008  
Honolulu, Hawaii

After-the-Fact Application for a Stream Channel Alteration Permit (SCAP.2061.3)  
Emergency Stabilization of DOT Pedestrian Bridge across Kapaka/Waimanana Stream  
Hauula, Oahu, TMK: (1) 5-3-014:003

APPLICANT:

State Department of Transportation  
Highway Division  
727 Kakoi Street  
Honolulu, HI 96819

LANDOWNER:

Mr. Jerald Kringel  
53-004 Pokiwai Place  
Hauula, HI 96717

SUMMARY OF REQUEST:

After-the-Fact Application for a Stream Channel Alteration Permit (SCAP) for emergency stabilization of Department of Transportation's (DOT) pedestrian bridge across Kapaka/Waimanana Stream, Hauula, Oahu, TMK: (1) 5-3-014:003.

LOCATION: Exhibits 1a and 1b.

BACKGROUND:

DOT's pedestrian bridge is located on Mr. Jerald Kringel's property on the southeast corner of the intersection of Kamehameha Highway and Pokiwai Place. Two channels of Kapaka Stream flow along the west and south portions of Mr. Kringel's property and exit under Kamehameha Highway into the ocean. The pedestrian bridge is on the mauka (mountain) side of Kamehameha Highway. The support structure and foundation under both ends of the pedestrian bridge and the adjacent stream bank had been eroded by the ocean tide.

On January 28, 2008, the Department of Health (DOH) Clean Water Branch (CWB) reviewed and commented on DOT's preliminary plans to stabilize the pedestrian bridge across Kapaka Stream.

On January 29, 2008, the U.S. Army Corps of Engineers (COE) emailed a Department of the Army (DA) application to the DOT and requested plans, best management practices (BMPs) and a detailed project description for the pedestrian bridge stabilization project.

On February 13, 2008, CWB reviewed and commented on DOT's Section 401 Water Quality Certification (WQC). CWB requested that the WQC application be completed in its entirety and that all questions be answered; and requested detailed construction drawings, BMPs, an applicable monitoring and assessment plan, and DA permit.

On February 14, 2008, CWB informed DOT that DOT must obtain all Federal and State permits before the start of construction to avoid potential and unnecessary permits.

On February 20, 2008, CWB coordinated a meeting with DOT, COE and Commission staff to discuss the pedestrian bridge stabilization project.

On March 19, 2008, Division of Aquatic Resources (DAR) and Commission staff conducted a site visit to inspect Mr. Kringel's unpermitted boulders in Kapaka Stream and DOT's pedestrian bridge across Kapaka Stream.

On May 8, 2008, DOT notified COE and CWB that part of the pedestrian walkway had washed away and DOT had placed sandbags to stabilize the walkway and pedestrian bridge. DOT submitted photos of temporary unpermitted sandbags used to stabilize the pedestrian bridge and streambank to COE and CWB who allowed DOT to leave the sandbags in place until final design and construction plans were developed and approved.

On June 6, 2008, DOT submitted plans to the Commission staff for the restoration of Kapaka Stream bank with rip rap to stop further erosion and permanent damage to the pedestrian bridge.

On June 18, 2008, COE received DOT's application for a DA permit for emergency repair work to the banks abutting Kapaka Stream.

On June 27, 2008, Commission staff notified DOT staff that aquatic resources were identified in Kapaka Stream and that Mr. Kringel was required to submit a SCAP application for his retaining wall on Kapaka Stream. Staff informed DOT that if DOT considered it an emergency situation, DOT could proceed with the emergency bridge repair work under Hawaii Administrative Rules (HAR) Section 13-169-55 which allows emergency work to proceed without a SCAP when the work is necessary to prevent or minimize the loss of life or damage to property.

On July 23, 2008, CWB acknowledged receipt of DOT's Section 401 WQC application.

On August 4, 2008, COE determined that the proposed project was eligible for verification under the current 2007 Nationwide Permits (NWP) #3 for Maintenance, #13 for Bank Stabilization, and #33 for Temporary Construction, Access, and Dewatering. However, COE could not issue

verification under the NWP until CWB issued a Section 401 WQC or waiver for the proposed activities. Consequently, COE denied DOT's permit application without prejudice until DOT obtained a valid CWB WQC or waiver and transmitted it to the COE at which time COE would reactivate DOT's file and resume DOT's permit processing.

On August 7, 2008, Commission staff requested a DOT update on the status of the pedestrian bridge stabilization plans since the February 2008 meeting with CWB.

On August 7, 2007, DOT informed CWB that it was working with Oceanit to complete the Water Quality Monitoring and Assessment Plan.

On August 8, 2008, DOT responded to the Commission staff that DOT had to prepare design drawings in-house due to lack of funds for design and environmental consultants and that DOT was in the process of filling out COE and CWB permit applications.

On August 11, 2008, Commission staff asked DOT when the emergency work to stabilize the pedestrian bridge would begin and reiterated that emergency work can proceed without a SCAP when work is necessary to prevent or minimize the loss of life or damage to property (HAR 13-169-55).

On August 14, 2008, DOT notified CWB that DOT's plans for the emergency repair of the pedestrian bridge and stabilization of the stream bank had changed because further erosion of the sand revealed a solid coral floor so that an excavated trench would not be required and that rip rap would be placed directly on the coral. Work was anticipated to begin the week of August 25 because high tide would occur at mid-day.

On August 19, 2008, CWB requested additional information from DOT because DOT's consultant, Oceanit, still had not addressed CWB's comments regarding DOT's Sampling and Analysis Plan that had been submitted to CWB.

On August 20, 2008, Senator Clayton Hee convened a meeting at the State Capitol with the DOT, CWB, City and County of Honolulu Department of Facilities Maintenance and Commission staff and a community representative from the Hauula Beach Homes homeowner's association to discuss the flooding problems at Kapaka Stream.

On August 27, 2008, DOT convened a meeting with COE and CWB and the Hauula community representative to discuss the clearing and maintenance of Kapaka Stream to remove the build up of sand on the stream banks to allow water flow.

On September 5, 2008, CWB issued a conditional Section 401 WQC waiver to DOT for the pedestrian bridge and stream bank stabilization.

On September 8, 2008, COE notified DOT that DOT's request for a DA Nationwide Permit to conduct emergency bank stabilization and repair to the pedestrian bridge was verified under the COE's Nationwide Permit (NWP) authority at 33 CFR Part 330, the March 12, 2007, Notice of Reissuance of Nationwide Permits.

On September 15, 2008, DOT's contractor started stabilization of the pedestrian bridge and streambank and completed the work on September 19, 2008.

On September 16, 2008, CWB staff conducted a site visit to inspect construction activities during the stabilization project.

On September 24, 2008, CWB and Commission staff conducted a post-construction visit to inspect DOT's pedestrian bridge and stream bank stabilization project.

On September 29, 2008, COE convened a meeting with various State agencies to coordinate work in Kapaka Stream.

On October 28, 2008, the Commission approved SCAP.1652.3 to Mr. Jerald Kringel to construct a new retaining wall along Kapaka Stream.

#### DESCRIPTION:

Phase 1 of the project involved the temporary placement of sandbags around the pedestrian bridge to isolate the work area while boulders were placed under the pedestrian bridge and along the streambank.

Phase 2 of the project involved the placement of approximately 56 cubic yards of small to medium-size boulders under the pedestrian bridge and along the adjacent streambank at both ends of the pedestrian bridge to stabilize the support structure under the pedestrian bridge and the streambank. Approximately 15 cubic yards of concrete were used to fill in the voids between the boulders.

On September 15, 2008, DOT's contractor began the pedestrian bridge and stream bank stabilization work and completed the work on September 19, 2008.

#### ANALYSIS:

The Department of Health Clean Water Branch commented that it had no objections to the issuance of an After-the Fact SCAP that was consistent with the conditions, requirements and restriction specified in the DA NWP work authorization verification issued on September 8, 2008, and DOH's conditional Section 401 WQC waiver issued on September 5, 2008.

DAR commented that it did not condone the submission of after-the-fact SCAPs; that the erosion near the bridge and pedestrian crossing was apparent and had been noted during the March 19, 2008, site visit; and that the project did not appear to pose any further impact to the aquatic resource values in the area since the project had already been completed.

The Engineering Division previously commented that the project is located in Flood Zone VE according to the Flood Insurance Rate Map (FIRM); developments within Zone VE are regulated by the National Flood Insurance Program (NFIP); and this project site must comply with the rules and regulations of the NFIP.

Historic Preservation commented that it had not been given the opportunity to comment because the project had already been completed. The U.S. Army Corps of Engineers, State Parks, Land Division, and Forestry and Wildlife had no objections to the project.

The U.S. Fish and Wildlife Service, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, University of Hawaii Environmental Center, City and County of Honolulu, and Engineering did not submit comments as of the date of preparation of this submittal.

Although this application is after-the-fact, the applicant properly followed the Commission's emergency procedures for stream channel alteration permits. Therefore, staff does not recommend that any penalty or fines be imposed on the applicant.

RECOMMENDATION:

That the Commission approve an After-the Fact Stream Channel Alteration Permit for emergency stabilization of Department of Transportation's (DOT) pedestrian bridge across Kapaka/Waimanana Stream, Hauula, Oahu, TMK: (1) 5-3-014:003. The permit shall be subject to the Commission's standard conditions in Exhibit 6 (standard conditions 4 to 8 do not apply to this permit).

Respectfully submitted,



KEN C. KAWAHARA, P.E.  
Deputy Director

- Exhibits:
1. Location Maps 1a and 1b
  2. Phase 1: details for sandbag stabilization
  3. Phase 2: details for streambank stabilization and restoration
  4. Photos of unpermitted sandbags in Kapaka Stream
  5. Photos on completed streambank stabilization and restoration
  6. Standard Stream Channel Alteration Permit Conditions

APPROVED FOR SUBMITTAL



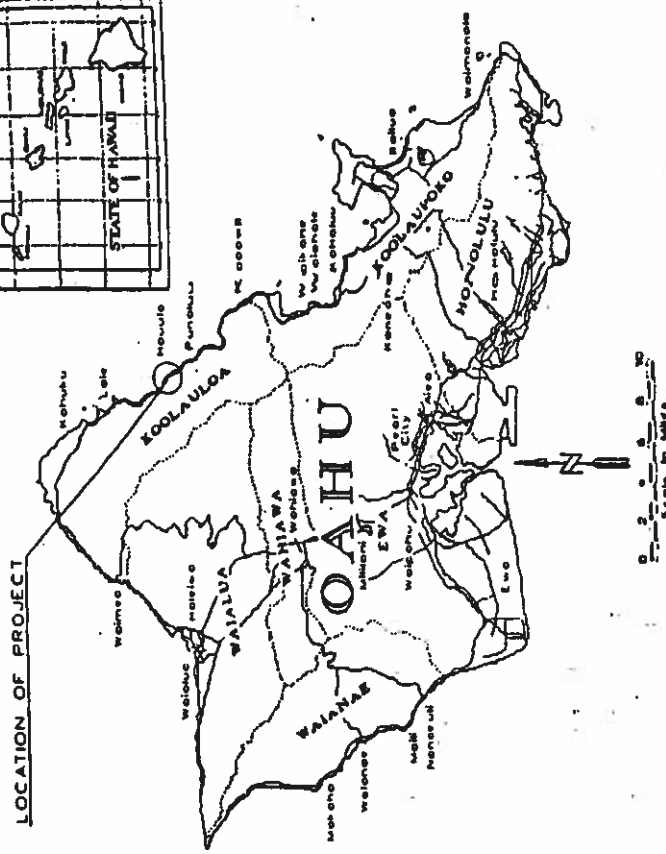
LAURA H. THIELEN  
Chairperson

PLANS FOR  
KAMEHAMEHA HIGHWAY  
AIMANANA BRIDGE PEDESTRIAN WALKWAY  
Waimanana Stream Bank Restoration and Stabilization  
Location Plan

PROJECT SITE

THE LEE O. KOPPEL

Old New  
City  
J. W. W. DIO



Department of Transportation  
State of Hawaii  
Waimanana Stream Bank Restoration  
and Stabilization Detail  
Drawn by Cleo  
Date: May 15, 2008

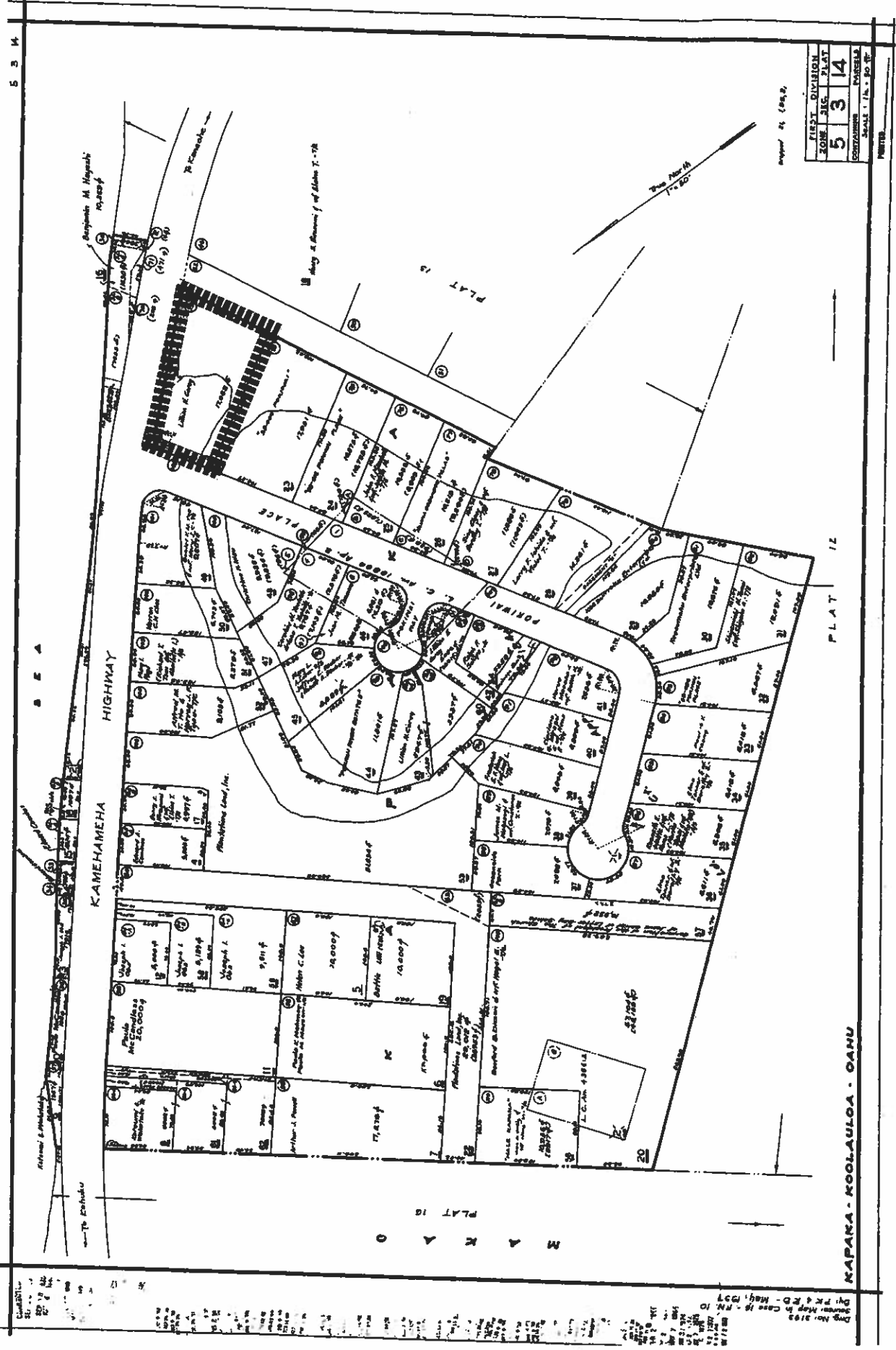
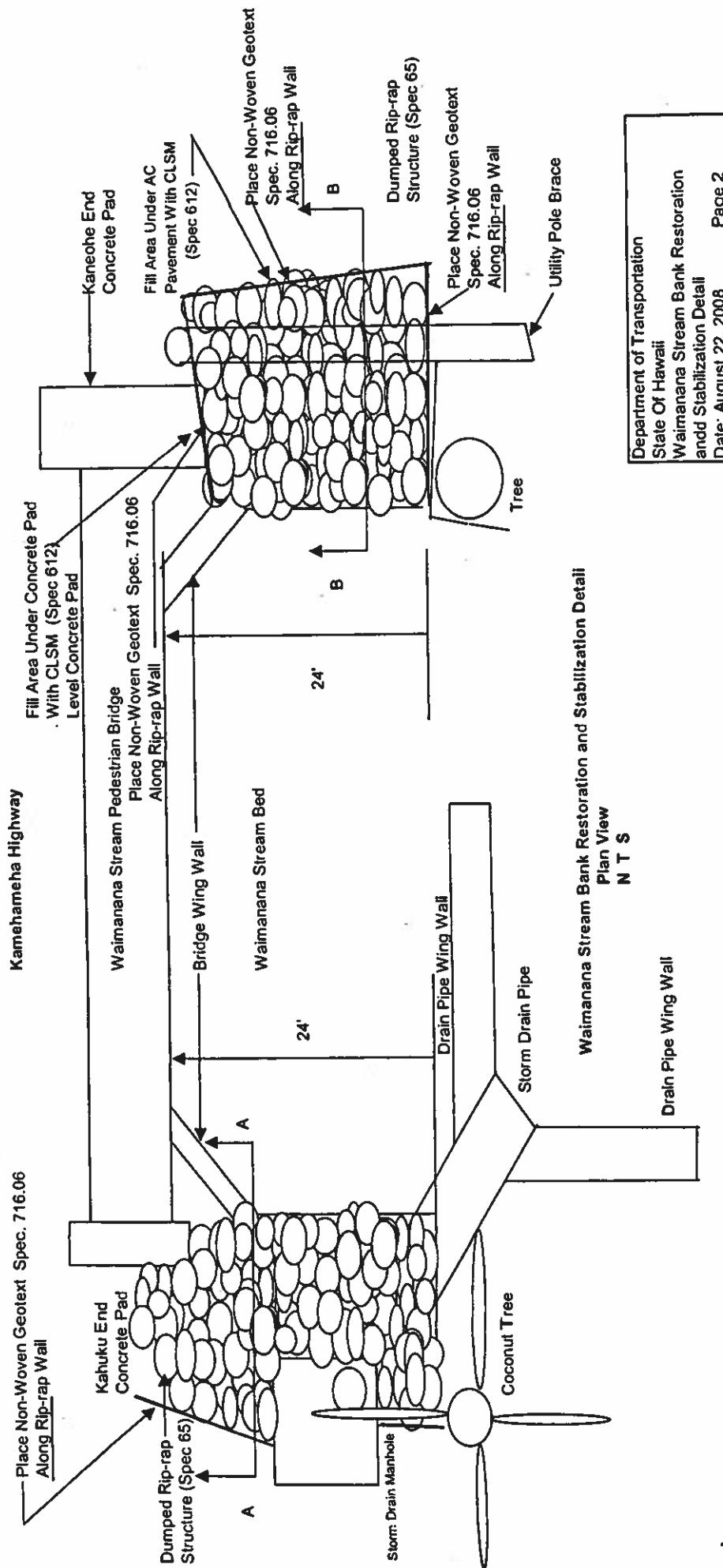
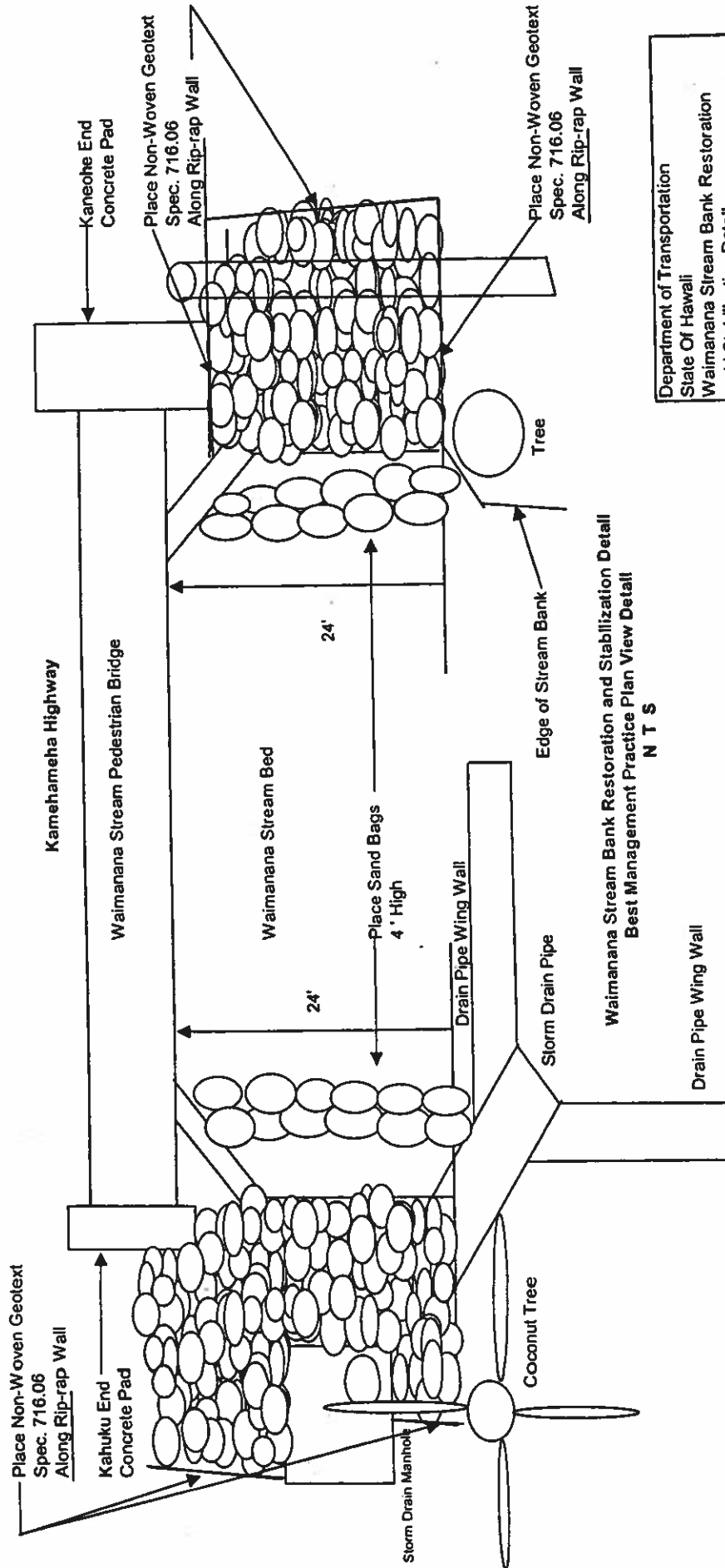


EXHIBIT 1b



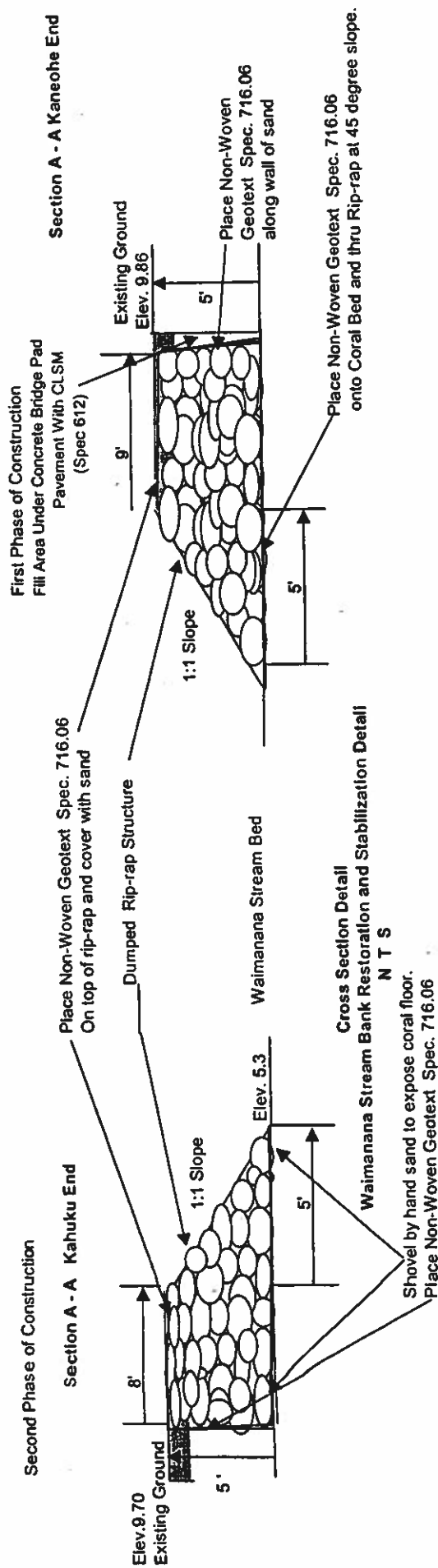
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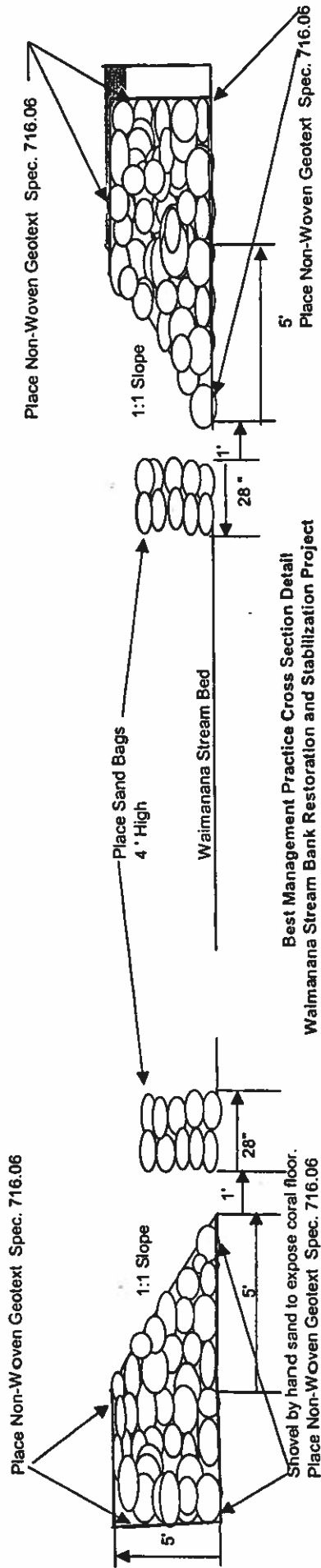




N T S

Department of Transportation  
State Of Hawaii  
Waimanana Stream Bank Restoration  
and Stabilization Detail  
Date: August 22, 2008





N T S

Volume of Sand Bag Berm  
 Size of Sand bag  
 Volume of Sand Bag  
 Number of Sand bags for berm

24'X4'X28" = 224 cu ft  
 14" dia. X 26"  
 1.07 sq ft X 2.16 ft = 2.31 cu ft  
 224 cu ft / 2.31 cu ft = 97 bags



DSC01574.jpg



DSC01603.jpg





DSC01606.jpg



DSC01607.jpg

STANDARD STREAM CHANNEL ALTERATION PERMIT CONDITIONS  
(Revised 9/19/07)

1. The permit application and staff submittal approved by the Commission at its meeting on December 17, 2008, shall be incorporated herein by reference.
2. The applicant shall comply with all other applicable statutes, ordinances, and regulations of the Federal, State and county governments.
3. The applicant, his successors, assigns, officers, employees, contractors, agents, and representatives, shall indemnify, defend, and hold the State of Hawaii harmless from and against any claim or demand for loss, liability, or damage including claims for property damage, personal injury, or death arising out of any act or omission of the applicant or his successors, assigns, officers, employees, contractors, and agents under this permit or related to the granting of this permit.
4. The applicant shall notify the Commission, by letter, of the actual dates of project initiation and completion. The applicant shall submit a set of as-built plans and photos of the completed work to the Commission upon completion of this project. This permit may be revoked if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The proposed work under this stream channel alteration permit shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Commission upon showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Commission no later than three (3) months prior to the date the permit expires. If the commencement or completion date is not met, the Commission may revoke the permit after giving the permittee notice of the proposed action and an opportunity to be heard.
5. Before proceeding with any work authorized by the Commission, the applicant shall submit one set of construction plans and specifications to determine consistency with the conditions of the permit and the declarations set forth in the permit application.
6. *The applicant shall develop site-specific, construction best management practices (BMPs) that are designed, implemented, operated, and maintained by the applicant and its contractor to properly isolate and confine construction activities and to contain and prevent any potential pollutant(s) discharges from adversely impacting state waters. BMPs shall control erosion and dust during construction and schedule construction activities during periods of low stream flow.*
7. *The applicant shall protect and preserve the natural character of the stream bank and stream bed to the greatest extent possible. The applicant shall plant or cover lands denuded of vegetation as quickly as possible to prevent erosion and use native plant species common to riparian environments to improve the habitat quality of the stream environment.*
8. In the event that subsurface cultural remains such as artifacts, burials or deposits of shells or charcoal are encountered during excavation work, the applicant shall stop work in the area of the find and contact the Department's Historic Preservation Division immediately. Work may commence only after written concurrence by the State Historic Preservation Division.